

United States District Court, Eastern District of Washington
Magistrate Judge Mary K. Dimke
Richland

**USA v. JAMES GERALD GARZA Case No. 2:10-CR-6069-RMP-1
4:20-MJ-7227-MKD-1**

Video Conference
The Defendant agreed to appear via video conference.

**Initial Appearance on Supervised Release Petition
and Detention Hearing:** **09/01/2020**

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|---|--|
| <input checked="" type="checkbox"/> Pam Howard, Courtroom Deputy [Y] | <input checked="" type="checkbox"/> Benjamin Seal, US Atty (video) |
| <input checked="" type="checkbox"/> David McCary, US Probation / Pretrial Services (tele) | <input checked="" type="checkbox"/> Paul Shelton, Defense Atty (video) |
| <input checked="" type="checkbox"/> Defendant present <input checked="" type="checkbox"/> in custody USM appearing by video from Benton County Jail | <input checked="" type="checkbox"/> Interpreter NOT REQUIRED |
| | <input type="checkbox"/> Defendant not present / failed to appear |

<input checked="" type="checkbox"/>	USA Oral Motion for Detention	<input type="checkbox"/>	Rights given
<input type="checkbox"/>	USA not seeking detention	<input type="checkbox"/>	Acknowledgment of Rights filed
<input checked="" type="checkbox"/>	Financial Affidavit (CJA 23) filed in 4:20-MJ-7227-MKD	<input checked="" type="checkbox"/>	Defense to mail a copy of petition to Defendant
<input checked="" type="checkbox"/>	The Court will appoint the Federal Defenders	<input type="checkbox"/>	Defendant waived reading of petition
<input type="checkbox"/>	Based upon conflict with Federal Defenders, the Court will appoint a CJA Panel Attorney	<input checked="" type="checkbox"/>	Petition reviewed in open court
<input type="checkbox"/>	Conditions of Release Imposed	<input type="checkbox"/>	Supplemental Pre-Trial Services Report ordered
<input type="checkbox"/>	Conditions of Release as Previously Imposed	<input type="checkbox"/>	The Court ordered continued representation of previously appointed counsel with the additional Petition(s)
<input type="checkbox"/>	AO 199C Advice of Penalties/Sanctions		

REMARKS

Due to the current COVID-19 public health crisis, all parties including Defendant, appeared by video or teleconference.

USA proffered the pretrial services report and the supplemental report and concurs with its recommendation of continued detention of the Defendant.

USA argued why the Court should detain the Defendant and why there are no conditions of release which will reasonably assure Defendant's appearance as required and/or the safety of the community.

Defense counsel argued why the Defendant should be released including his long-term ties to this community and his family in this area and potential employment. Defense advised Defendant had recent shoulder surgery and is supposed to be engaging in physical therapy.

Defendant addressed the Court regarding status of his physical therapy.

Court colloquy with Defense regarding therapy.

Defense waived a preliminary hearing on the supervised release petition.

The Court ordered:

1. USA's Motion for Detention is **granted**; subject to right to return before the Court should circumstances change.
2. A Revocation Hearing in CR-10-6069-RMP is set for 9/17/2020 at 3:00 p.m. Y/RMP by video.
3. That there is no combination of conditions to assure the Defendant's appearance as required or conditions to ensure that Defendant is not a danger to the community.
4. Court requests Defense to gather more information on the frequency and duration of physical therapy that is required to consider if Defendant can be released only for those purposes on a schedule and return to the jail.
5. Defendant shall be detained by the U.S. Marshal until further order of the Court.